

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA      :
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                                : SUPERSEDING
      - v. -                   : INDICTMENT
                                :
NICHOLAS JOSEPH,              : S1 20 Cr. 603 (PKC)
  a/k/a "Gotti,"              :
  a/k/a "Finesse,"            :
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COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

1. From at least in or about 2014, up to and including in or about July 2020, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, and others known and unknown, were members and associates of a criminal organization that operated principally in the Castle Hill Houses in the Soundview neighborhood of the Bronx, New York (the "Castle Hill Crew"). The members and associates of the Castle Hill Crew engaged in, among other things, narcotics trafficking, bank fraud, and acts involving murder and assault.

2. The Castle Hill Crew, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Castle Hill Crew constituted an ongoing organization

whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Castle Hill Crew. At all times relevant to this Indictment, the Castle Hill Crew has engaged in, and its activities affected, interstate and foreign commerce.

3. NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, participated in the operation of the Castle Hill Crew, and participated in unlawful and other activities in furtherance of the conduct of the Castle Hill Crew's affairs.

Purposes of the Castle Hill Crew

4. The purposes of the Castle Hill Crew included the following:

a. Enriching the members and associates of the Castle Hill Crew through, among other things, (1) the distribution of narcotics, including marijuana, oxycodone, and alprazolam; and (2) bank fraud.

b. Preserving and protecting the power of the Castle Hill Crew and its members and associates through murder, assaults, other acts of violence, and threats of violence.

c. Promoting and enhancing the Castle Hill Crew and the reputation and activities of its members and associates.

Means and Methods of the Castle Hill Crew

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Castle Hill Crew were the following:

a. Members and associates of the Castle Hill Crew committed, conspired to commit, attempted and threatened to commit acts of violence, including acts involving murder and assault, to protect and expand the Castle Hill Crew's criminal operations, resolve disputes within the Castle Hill Crew, and against rival gang members and disfavored members of the Castle Hill Crew.

b. Members and associates of the Castle Hill Crew used violence and threats of violence, including acts involving murder and assault, against others, including in particular rival gang members.

c. Members and associates of the Castle Hill Crew sold narcotics, including marijuana, oxycodone, and alprazolam.

d. Members and associates of the Castle Hill Crew committed bank fraud by depositing checks containing false information into bank accounts controlled by members and associates of the Castle Hill Crew.

e. Members and associates of the Castle Hill Crew possessed, stored, and used firearms and ammunition.

The Racketeering Conspiracy

6. From at least in or about 2014, up to and including in or about July 2020, in the Southern District of New York and elsewhere, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, and others known and unknown, being persons employed by and associated with the Castle Hill Crew described in Paragraphs One through Five of this Indictment, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Castle Hill Crew, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

a. Multiple acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25, 125.27 (murder), 105.15 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

b. Multiple acts indictable under Title 18, United States Code, Sections 1344 (bank fraud), and 2 (aiding and abetting); and

c. Multiple offenses involving the distribution of controlled substances, including marijuana, oxycodone, and alprazolam chargeable under Title 21, United States Code, Sections

841(a)(1) (distribution and possession with intent to distribute) and 846 (conspiracy), and Title 18, United States Code, Section 2 (aiding and abetting).

7. It was a part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Castle Hill Crew.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

8. At all times relevant to this Indictment, the Castle Hill Crew, as described in paragraphs 1 through 5 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, membership, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals which engaged in, and the activities of which affected, interstate and foreign commerce. The Castle Hill Crew constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Castle Hill Crew.

9. At all times relevant to this Indictment, the Castle Hill Crew, through its members and associates, engaged in

racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Sections 1344 (bank fraud) and 2, and offenses involving the distribution of controlled substances, including marijuana, oxycodone, and alprazolam, chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 846, and Title 18, United States Code, Section 2.

10. On or about April 28, 2017, in the Southern District of New York and elsewhere, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Castle Hill Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Castle Hill Crew, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, attempted to assault an individual with a dangerous weapon, and attempted to murder an individual, and aided and abetted the same, to wit, JOSEPH and others shot at a rival gang member in the vicinity of the Story Playground in the Soundview neighborhood of the Bronx, and aided and abetted the same, in violation of New

York Penal Law, Sections 120.05, 120.14, 125.25, 110.00, and 20.00, during which a twelve-year-old victim was injured.

(Title 18, United States Code, Sections 1959(a)(3),
1959(a)(5), (a)(6), and 2.)

COUNT THREE
(Firearm Offense)

The Grand Jury further charges:

11. On or about April 28, 2017, in the Southern District of New York, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely the violent crime in aid of racketeering charged in Count Two of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, which was brandished and discharged, and did aid and abet the same.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii),
(iii), and 2.)

COUNT FOUR
(Felon in Possession of a Firearm)

The Grand Jury further charges:

12. On or about July 10, 2020, in the Southern District of New York, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm and ammunition, to wit, a Ruger Speed-Six .38 special caliber revolver and .38 caliber Remington-Peters

cartridges, all of which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT FIVE
(Felon in Possession of a Firearm)

The Grand Jury further charges:

13. From at least in or about November 2020, up to and including in or about December 2020, in the Southern District of New York, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm and ammunition, to wit, a Raven Arms MP-25 .25 caliber semi-automatic pistol and .25 caliber Aguila cartridges, all of which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATIONS

14. As a result of committing the racketeering offense alleged in Count One of this Indictment, NICHOLAS JOSEPH, a/k/a "Gotti," a/k/a "Finesse," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. any interest acquired and maintained in violation of Title 18, United States Code, Section 1962, which

interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. any interest in, security of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise which the defendant has established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); or

c. any property constituting and derived from any proceeds which the defendant obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

Substitute Assets Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

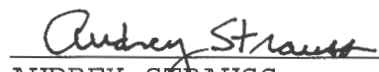
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1963; and Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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- v. -

NICHOLAS JOSEPH,
a/k/a "Gotti,"
a/k/a "Finesse,"
Defendant.

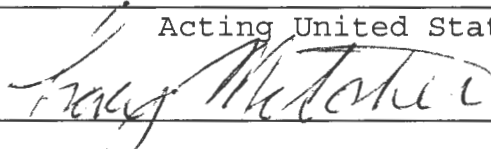
SUPERSEDING INDICTMENT

S1 20 Cr. 603 (PKC)

(18 U.S.C. §§ 1959(a), 1962(d), 924(c),
922(g), and 2.)

AUDREY STRAUSS

Acting United States Attorney.



Foreperson.
